

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANTS : Stanton, et al.
SERIAL NUMBER : 10/826,077 EXAMINER : Not Yet Assigned
FILING DATE : April 15, 2004 ART UNIT : 1645
FOR : APTAMER-TOXIN MOLECULES AND METHODS FOR USING
SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 20, 2004
Boston, Massachusetts

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

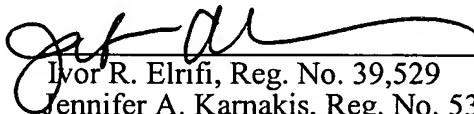
1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (4 pages), in duplicate;
3. Copies of Cited References: A32, B8-15; C40-87;
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 23239-531 CIP.

A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,


Ivor R. Elrifi, Reg. No. 39,529
Jennifer A. Karnakis, Reg. No. 53,097
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

Express Mail Label No.: EV 392124055 US
Date of Deposit: December 20, 2004

Attorney Docket No.: 23239-531 CIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Stanton
SERIAL NUMBER: 10/826,077 EXAMINER: Not Assigned
FILING DATE: April 15, 2004 ART UNIT: 1645

FOR: APTAMER-TOXIN MOLECULES AND METHODS FOR USING SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 20, 2004
Boston, Massachusetts

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required. By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents are not submitted.

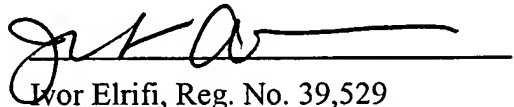
It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 23239-531 CIP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ivor Elrifi', is written over a horizontal line.

Ivor Elrifi, Reg. No. 39,529
Jennifer A. Kamakis, Reg. No. 53,097
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623



Express Mail Label: EV 392124055 US

Date of Deposit: December 20, 2004

Page 1 of 4

Attorney Docket No.: 23239-531 CIP

Please type a plus sign (+) in this box



Modified Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/826,077
Filing Date	April 15, 2004
First Named Inventor	Stanton
Group Art Unit	1645
Examiner Name	Not Assigned
Attorney Docket Number	23239-531 CIP

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A9	4,683,195	07/28/87	Mullis			
	A10	4,870,162	09/26/89	Chari et al.			
	A11	4,935,363	06/19/90	Brown et al.			
	A12	5,070,010	12/03/91	Hsu			
	A13	5,208,020	05/04/93	Chari et al.			
	A14	5,270,163	12/14/93	Gold et al.			
	A15	5,416,064	5/16/95	Chari et al.			
	A16	5,459,015	10/17/95	Janic et al.			
	A17	5,475,092	12/12/95	Chari et al.			
	A18	5,635,615	06/03/97	Allen et al.			
	A19	5,654,151	08/05/97	Allen et al.			
	A20	5,705,337	01/06/98	Gold et al.			
	A21	5,723,323	03/03/98	Kaufmann et al.			
	A22	5,756,291	05/26/98	Griffen et al.			
	A23	5,763,173	06/09/98	Gold et al.			
	A24	5,846,545	12/08/98	Chari et al.			
	A25	6,011,020	01/04/00	Gold et al.			
	A26	6,013,443	01/11/00	Heiliq et al.			
	A27	6,020,130	02/01/00	Gold et al.			
	A28	6,232,071B1	05/15/01	Hicke et al.			
	A29	6,340,701B1	01/22/02	Chari et al.			
	A30	6,372,738B2	04/18/02	Chari et al.			
	A31	6,610,841 B1	08/26/03	Warren et al.			

U.S. PUBLISHED APPLICATION DOCUMENTS

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A32	2003/0064931A1	04/03/03	Gallivan, J.			

FOREIGN PATENT DOCUMENTS						
Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B8	UK	2 183 661 A	Ballivet, M. et al.	06/10/87	
	B9	PCT	W089/06694	Trustees of the University of Pennsylvania	07/27/89	
	B10	PCT	W091/14436	Isis Pharmaceuticals, Inc.	10/03/91	
	B11	PCT	W091/19813	The University of Colorado Foundation	12/26/91	
	B12	PCT	W092/05285	Fred Hutchinson Cancer Research Center	04/02/92	
	B13	PCT	W092/14842	Gilead Sciences, Inc.	09/03/92	
	B14	PCT	W092/14843	Gilead Sciences, Inc.	09/03/92	
	B15	PCT	W099/30561	Nexstar Pharmaceuticals, Inc.	06/24/99	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C40	Andrake (1988) Proc. Natl. Acad. Sci. USA 85:7942-46
	C41	Carey et al. (1983) Biochem. 22(11):2601-10
	C42	Charlton, J., et al., Chemistry & Biology, 4:809-816, (Nov. 1997)
	C43	Cload, Sharon, The Aptamer Therapeutics Company, UBS Global Life Sciences Conference, The Plaza Hotel, New York, September 23, 2003.
	C44	Cohen et al. (1969) Proc. Natl. Acad. Sci. USA 63:458-64
	C45	Davis, Jeffrey, et al., Methods in Enzymology, Vol. 267:302-14 (1996)
	C46	Ellington & Szostak (1990) Abstracts of papers presented at the 1990 meeting on RNA Processing, Cold Spring Harbor Laboratory, Cold Springs Harbor, NY, p. 84
	C47	Fitzwater, Tim, et al., A Select Primer, Methods in Enzymology, Vol. 267:275-301 (1996)
	C48	Hicke, Brian, et al., Vol. 106, No. 8, 923-28 (October 2000)
	C49	Joyce (1989) Gene, RNA: Catalysis, Splicing and Evolution, 82:83-87
	C50	Joyce & Inoue (1989) Nucleic Acids Research 17:711-22
	C51	Kacian et al. (1972) Proc. Natl. Acad. Sci. USA 69:3038-42
	C52	Kadonaga et al. (1986) Proc. Natl. Acad. Sci. USA 83:5889-93
	C53	Kinzler & Vogelstein (1989) Nucleic Acids Research 17:3645-53
	C54	Kinzler et al. (1990) Mol. Cell. Biol. 10:634-42
	C55	Knox, S., Et al., Clinical Cancer Research, Vol, 6, 406-414, (Feb. 2000)
	C56	Kramer et al. (1974) J. Mol. Biol. 89:719-36
	C57	Lestienne et al. (1983) Biochimie. 65:49-52

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C58	Levisohn & Spiegelman (1968) PNAS USA 60:866-72
	C59	Levisohn & Spiegelman (1969) PNAS USA 63:805-11
	C60	Lin, Y., et al., Proc. Natl Acad. Sci. USA, Vol. 92, 11044-48, (Nov. 1995)
	C61	Liu, C., et al., Proc. Natl., Acad. Sci, USA, Vol. 93, 8618-8623, (August 1996)
	C62	Ma and Ptashne (1987) Cell 51: 113-19
	C63	Maniatis (1982) Molecular Cloning: a Laboratory Manual, Cold Spring Harbor, NY. Page 118
	C64	Maniatis et al. (1987) Science 236: 1237-45
	C65	Miele e tal. (1983) J. Mol. BioI. 171:281-95
	C66	Mills et al. (1967) Proc. Natl. Acad. Sci. USA 58:217-20
	C67	Mills et al (1973) Science 180:916-27
	C68	Min et al (1988) Nucleic Acids Res. 16:5075-88
	C69	Muesing et al. (1985) Nature 313:450-58
	C70	Oliphant & Struhl (1987) Methods in Enzymology 155:568-82
	C71	Oliphant & Struhl (1988) Nucleic Acids Research 16:7673-83
	C72	Oliphant et al. (1986) Gene 44:177-83
	C73	Oliphant et al. (1989) Mol. Cell. BioI. 9:2944-49
	C74	Orgel (1979) Proc. R. Soc. Lon. B205:435-42
	C75	Ou et al. (1988) Science 239:295-97
	C76	Robertson & Joyce (1990) Nature 344:467-68
	C77	Romaniuk et al. (1987) Biochem. 26(6):1563-68
	C78	Ross, S., et al., Cancer Research 62, 2456-2553, (May 1, 2002)
	C79	Saffhill et al. (1970) J. Mol. BioI. 51 :531-39
	C80	Sambrook et al. (1989) Molecular Cloning: A Laboratory Manual, Cold Spring Harbor, NY. Section 8.9-9.10
	C81	Singleton et al., Dictionary of Microbiol. & Molec. Biol., Wiley & Sons, New York, NY, 2 nd ed. P. 270
	C82	Smith, Drew, et al., Chemistry & Biology, 2:741-750 (November 1995)
	C83	Szostak, A Structure and Activity of Ribozymes, in Redesigning the Molecules of Life, (SA Benner ed.) Springer-Verlag Berline Heidelberg, pp. 87-113 (1988)
	C84	Thiesen & Bach (1990) Nucleic Acids Research 18:3203-9
	C85	Uhlenbeck et al. (1983) J. Biomolecular Structure and Dynamics 1 :539-52
	C86	Watson et al (1987) Molecular Biology of the Gene. Benjamin/Cummings Publishing Co., Inc. California, pp. 267,295,323,361,394,396,397 and 405

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C87	Wilson, Chuck, Aptamer Therapeutics: Recent Developments, The Hatton, London, February 16, 2004

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.

TRA 1989157v1